

**VIRGINIA BOARD OF NURSING
MINUTES
September 18, 2007**

TIME AND PLACE: The meeting of the Board of Nursing was called to order at 9:10 A.M. on September 18, 2007 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia.

PRESIDING: Judith E. Piersall, R.N., B.S.N., President

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, Vice President
Florence Jones-Clarke, R.N., M.S., Secretary
Peregrin C. Francisco, R.N., M.S.A.
Linda D. Gross, Citizen Member
Brenda L. Hale, R.N.
Patricia C. Lane, R.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

**BOARD MEMBERS
ABSENT:**

Woody B. Hanes, R.N., M.S.N., F.N.P.
John M. Horn, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Brenda Krohn, R.N., M.S., Deputy Executive Director, Medication Aide Program Manager
Paula B. Saxby, R.N., Ph.D., Deputy Executive Director, Education
Jessica Ressler, R.N. Nursing Education Consultant
Jane Elliott, R.N. Ph.D., Discipline Staff
Amy Davis, Administrative Assistant
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Sandra Whitley Ryals, Director, Department of Health Professions
Emily O. Wingfield, Deputy Director, Department of Health Professions
Elaine Yeatts, Policy Analyst, Department of Health Professions
Susan Motley, Executive Director, Virginia Nurses Association

**ESTABLISHMENT OF
A QUORUM:**

With eleven members of the Board present, a quorum was established.

ANNOUNCEMENTS:

- Peregrin Francisco, R.N., new Board member from Virginia Beach was introduced. Other Board members and staff introduced themselves.
- The next meeting of the Committee of the Joint Boards of Nursing and Medicine is scheduled for October 17, 2007.
- The Virginia Partnership for Nursing and Legislative Coalition of Virginia Nurses legislative summit is scheduled for November 16, 2007.
- The Prescription Monitoring Program Conference is scheduled for November 16, 2007.

DIALOGUE WITH DIRECTOR:

Ms. Ryals presented information to the Board on the following issues:

- Update on the move and that modifications to the Perimeter Center are ongoing to include audio-visual equipment and additional furniture. Emily O. Wingfield represented the Department of Health Professions on scheduling matters. The conference center is moving toward a web-based scheduling program.
- Governor's Health Reform Commission report is complete and is available online. Public comment will be received until September 27, 2007.
- Virginia Performs update was distributed, Department of Health Professions performance measures and fourth quarter statistics for customer satisfaction (97% goal, 94.8% current), applications being completed within 30 days (95% goal, 99.9% current), and closing patient care disciplinary cases within 250 days (90% goal, 55% current) were reviewed. This information is available on the website. Ms. Cooper raised the question of whether applicants that are denied licensure receive a survey. Ms. Ryals agreed to follow up on this.
- Budget reduction mandates from Governor Kaine require all position requests and travel requests to have Secretarial approval. A full briefing of the budget reduction mandates will be provided at a later date. 2008-2010 Department of Health Professions budget is in draft form and will be presented to the Board of Health Professions later this month. Additional Board of Nursing resource requests were reviewed by Ms. Ryals and determined appropriate to include in the budget proposal.

ORDERING OF AGENDA: The agenda was reviewed and ordered.

CONSENT AGENDA: The Board removed one item from the proposed consent agenda. Ms. Jones-Clarke moved to accept the consent agenda which includes:

Minutes:

July 16, 2007 – Panel – Ms. Piersall

July 17, 2007 – Board Meeting – Ms. Piersall
July 18, 2007 - Quorum – Ms. Piersall
July 18, 2007 – Panel – Ms. Piersall
July 19, 2007 – Panel – Ms. Cooper
August 2, 2007 – Telephone Conference Call – Ms. Cooper

Reports:

Board of Nursing Monthly Tracking Log-Licensure and Disciplinary Statistics
Finance Report

Ms. Jones-Clarke moved to accept the minutes of July 18, 2007 removed from the consent agenda as corrected. The motion was seconded and carried unanimously.

REPORTS:

Health Practitioners Intervention Program:

Ms. Douglas reviewed the report and stated that 60% of participants in the Health Practitioners Intervention Program are licensees of the Board of Nursing.

Executive Director Report:

Ms. Douglas provided an update regarding Board staffing. Ms. Douglas also provided an overview of topics discussed at the Virginia Partnership for Nursing and Legislative Coalition of Virginia Nurses meeting that included continued education; paramedics practicing as nurses; and faculty salaries.

Ms. Douglas shared appreciation for Board members support of various difficulties experienced by/related to discipline staff (loss of Administrative Assistant and one Deputy Executive Director on medical leave). Staff have implemented all newly delegated staff related to discipline which should help in performance measures. She publicly thanked Dr. Elliott for extra hours given related to discipline assistance to the Board for over three years. Ms. Douglas announced Linda Kleiner, R.N. will begin next week as Case Manager for the Board of Nursing. She also highlighted other items included on the written report.

Ms. Jones Clarke brought to the Board's attention that Ms. Douglas was recently recognized in the nursing journal, *Advance*, for an outstanding leadership award issued by the National Council of State Boards of Nursing at the 2007 Delegate Assembly.

Nurse Licensure Compact Administrators:

Ms. Douglas brought information to the Board from the Nurse Licensure Compact Administrator meeting she attended in Chicago. Main topics of discussion included:

- A plan to educate non-compact states to the Nurse Licensure Compact and referring to non-compact states as "single state model of licensure only" versus non-compact states.
- Licensed practical nurse education.

- NURSYS discipline information being expanded to reflect multi state privilege action instead of home state only information.
- Evaluate Nurse Licensure Compact Secretariat services.
- Proposed NLCA strategic plan initiative includes the request for current Nurse Licensure Compact states to perform criminal background checks upon initial licensure by the year 2010; the proposal includes giving new states three years to implement.

National Council of State Boards of Nursing Delegate Assembly and Meeting:

Ms. Cooper expressed her appreciation to the Board for the opportunity to attend the meeting and for the support of her campaign for a position as a director-at-large. Ms. Cooper encouraged more Board members to attend. Dr. Selig highlighted valuable work being done by National Council of State Boards of Nursing in pain management for chemically dependent nurses, CORE study, use of simulation and online learning in nursing education programs. Ms. Douglas added member board profiles had a large amount of information available online. She added that National Council of State Boards of Nursing staff are available to come do a regional workshop regarding the NCLEX. Virginia has requested National Council of State Boards of Nursing to come to Virginia, believing it would be a great opportunity for Virginia educators to participate and meet directly. Other topics included that there is no proposal for fee changes for NCLEX this year; medication aide curriculum model was provided (Virginia is the only state where the Board of Nursing regulates medication aides and no provision for supervision by a nurse in the law); Continued Competency Committee work is not complete; Bylaws were amended to include a new category for associate memberships, and increased the number of Board of Directors and include advance practice Boards of Nursing; an increase in fraudulent transcripts and documentation regarding International nurse graduates, some states do their own credentialing instead of using the Commission on Graduates of Foreign Nursing Schools. Dr. Selig provided a written report and summary of key topics.

RECESS: The Board recessed at 10:45 A.M.

RECONVENTION: The Board reconvened at 11:00 A.M.

NCLEX Regional Workshop:

Ms. Douglas stated that National Council of State Boards of Nursing is offering regional NCLEX workshops. The workshop would be targeted at nurse educators and is required to be co-sponsored by a Board of Nursing and a nursing education program. Virginia Commonwealth University School of Nursing is interested in co-sponsoring such an event. The Board agreed that Ms. Douglas should proceed with planning for an NCLEX workshop.

EDUCATION PROGRAMS:

Education Special Conference Committee:

The Board considered the recommendations of the Education Special Conference Committee from its meeting on September 17, 2007. Ms. Cooper moved to adopt the recommendations as amended. The motion was seconded and approved unanimously.

Ms. Ressler pointed out that the reason for the decision of the Education Special Conference Committee to defer action in the matter of Richmond School of Health and Technology (RSHT) was based on the fact the program brought a large amount of information to be reviewed that morning. The Committee needed additional time to review the information before making a decision.

Nursing Education Programs:

Ms. Ressler provided an update regarding nursing education programs in Virginia. There are currently 77 practical nurse education programs, 29 Associate Degree registered nurse education programs, 18 Baccalaureate Degree registered nurse education programs and 7 Diploma registered nurse education programs in Virginia. Eleven practical nurse and registered nurse applications to establish nursing education programs have been received recently. Two nursing education programs in the northern Virginia area have reported difficulty in obtaining qualified students for admission due primarily to language barriers. Ms. Ressler also reported an increase in cheating is being reported in nursing education programs, Administrators and faculty are researching methods to eliminate this trend. A request from a Maryland nurse wishing to establish nursing education programs in Virginia because Maryland does not allow proprietary schools. Board staff reported that poor performing schools create an extra burden on the Board of Nursing to approve and monitor as well as the inability to intervene until proposed regulations are finalized which will allow the Board to intervene on program not meeting the regulations.

Review of NCLEX Accommodation Requests:

Ms. Ressler provided a review of accommodation requests in response to a request from Board members. Since 2003, 34 candidates requested accommodations. Information on 6 of these was not able to be found under the name the accommodation request was submitted. Statistics for the remaining 28 are as follows.

- accommodations granted – 24
 - 11 passed on the first attempt after the accommodation was granted
 - 13 failed on the first attempt after the accommodation was granted
- accommodations denied – 4
 - 1 passed on the first attempt
 - 3 failed on the first attempt

Board members reported this information to be helpful and requested this information to be reported each year at the annual meeting in January.

RECESS:

The Board recessed at 12:15 P.M.

RECONVENTION: The Board reconvened at 1:15 P.M.

Ms. Ryals left the meeting.

OTHER MATTERS:

Requests for Accommodation:

CLOSED SESSION: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* at 1:15 P.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of NCLEX and NNAAP modification requests. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Dr. Saxby, Ms. Ressler, Ms. Krohn, Ms. Wingfield, Dr. Elliott, Ms. Yeatts, Ms. Davis and Ms. Marshean attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations.

The motion was seconded and approved unanimously.

RECONVENTION: The Board reconvened in open session at 1:25 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Anita Graham, RN Applicant

Dr. Selig moved to approve the accommodation request for time and a half (a total of 9 hours) and a separate room to take the NCLEX-RN based on supporting documentation.

The motion was seconded and approved unanimously.

Stephanie Slade, CNA Applicant

Ms. Cooper moved to approve the accommodation request for use of an amplified stethoscope to take the skills portion of the NNAAP exam.

The motion was seconded and approved unanimously.

Jessica Strickland Tomlin, RN Applicant

Ms. Ponn moved to approve the accommodation request for a separate room to take the NCLEX-RN based on supporting documentation.

The motion was seconded and approved unanimously.

Medication Aide Registry Update:

Ms. Krohn reported there are currently 30 approved medication aide education programs in Virginia. One pending application will have 11 sites. Approved programs appear to be geographically distributed in the state. Ms. Krohn also reported 8-10 medication aide applications have been received, none of the applicants have tested at this time. PSI, the contractor providing testing is prepared to begin testing. A mass mailing to all assisted living facilities in

Virginia has been completed providing information on program requirements. Ms. Douglas and Ms. Krohn are meeting with Virginia Geriatric Education Center and Department of Social Services in the near future and further clarification to the public is necessary regarding medication administration program requirements in settings other than assisted living facilities.

Nursing Workforce Issues:

Dr. Saxby reported the Board of Nursing continues to collect workforce information on renewals. Although voluntary, 85% of registered nurses and 75% of practical nurses do complete the survey upon online renewal. Dr. Saxby attended the Secretary's meeting with nursing educators on August 17, 2007 with Ms. Douglas and Ms. Ressler where it was reported educators are doing what they can do to recruit, and retain students. No proprietary schools were in attendance.

Health Practitioners Intervention Program Personnel and Process Changes:

Ms. Douglas reviewed the recent changes in personnel at the Health Practitioners Intervention Program (HPIP). Dr. Patricia Pade is now the Medical Director. Ms. Douglas presented to the Board a request from Dr. Pade for Board approval to have HPIP case managers provide information by telephone instead of in person during informal conferences in an effort for case managers to more effectively manage time in the office. The Board agreed to a six month trial for HPIP representatives to participate by telephone for informal conferences and in cases that involve a dismissal by HPIP.

Member Board NCLEX Fall Review:

Dr. Saxby provided information to the Board an opportunity to participate in the NCLEX process November 20, 2007 through December 14, 2007 by visiting test sites to review newly developed test items. Dr. Saxby asked for interested Board members and staff to let her know. Ms. Jones-Clarke, Ms. Francisco, Ms. Lindsay and Ms. Douglas expressed interest in participating.

LEGISLATION/REGULATIONS:

Status of Board of Nursing Regulations:

A chart of the current status of regulations was provided for information, no action was needed.

Final Regulations for 18 VAC90-30 – Nurse Practitioners, Certified Nurse Midwives (Change in Supervision Requirements):

Ms. Yeatts stated final regulations are being presented to replace the emergency regulations. Ms. Jones-Clarke moved to adopt the final regulations as presented. The motion was seconded and carried unanimously.

Final Regulations – Chapter 30 – Inactive License:

Ms. Yeatts stated inactive licensure for nurses will become effective October 1, 2007. Similar changes were proposed for regulations governing the licensure of nurse practitioners to ensure it is clearly stated that they must hold a current active license as a registered nurse. Ms. Hale moved to adopt the final

regulations for nurse practitioners to clarify requirements for licensure and practice. The motion was seconded and carried unanimously.

Guidance Document 90-9 –Guidelines for Prescription Drug Administration Training Program for Child Day Programs:

Ms. Yeatts reviewed the revised guidance document that includes requested changes from the Department of Social Services. Ms. Francisco moved to adopt the revised guidance document. The motion was seconded and carried unanimously.

Ms. Wingfield and Ms. Yeatts left the meeting.

CONSIDERATION OF CONSENT ORDERS:

CLOSED SESSION: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 2:30 P.M. for the purpose of consideration and discussion of consent orders. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Power, Ms. Krohn, Dr. Saxby, Ms. Ressler, Dr. Elliott, Ms. Davis and Ms. Marshean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:35 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Linda M. Harper, C.N.A. 1401-080656

Ms. Cooper moved to accept the consent order to indefinitely suspend the nurse aide certificate of Linda Harper.

The motion was seconded and carried unanimously.

Molly Murphy, R.N. 0001-152688

Ms. Cooper moved to accept the consent order to indefinitely suspend the registered nurse license and any multi state privilege of Molly Murphy.

The motion was seconded and carried unanimously.

Aileen Bryce, R.N. 0001-086200

Ms. Hale moved to accept the consent order for the voluntary surrender for indefinite suspension of the registered nurse license and any multi state privilege of Aileen Bryce.

The motion was seconded and carried unanimously.

Renay E. Langhorne, C.N.A. 1401-095198

Dr. Selig moved to accept the consent order to revoke the nurse aide certification of Renay Langhorne, with a finding of abuse and neglect.

The motion was seconded and carried unanimously.

Florence Jones-Clarke, R.N., M.S.
Secretary

Note - Copies of reports referenced can be obtained by contacting the Board of Nursing office.